

reference cited in the IDS, that the blank copy of the IDS was sent in error, and that no further action is necessary by the Applicant. If, for some reason, the Examiner has not, in fact, fully considered the IDS filed November 22, 2006, then the Applicant respectfully requests that the Examiner inform the Applicant in a subsequent communication.

However, the Applicant has not received acknowledgment of the Information Disclosure Statement filed on August 13, 2007 (received by OIPE August 16, 2007). The above-referenced Information Disclosure Statement appears in the Image File Wrapper. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the above-referenced Information Disclosure Statement.

Claims 1, 3, 5, 7, 9, 11, 13-37, 39, 41, 42, 44, 45 and 47-54 are pending in the present application, of which claims 1, 3, 5, 7, 9, 11, 13, 16, 19, 22, 25, 28, 31, 34, 37, 39, 41 and 44 are independent. (Although Boxes 4 and 6 of the Office Action Summary include claim 12 in the list of pending and rejected claims, the Applicant notes that claim 12 was canceled without prejudice or disclaimer in the *Amendment* filed June 19, 2006.) For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

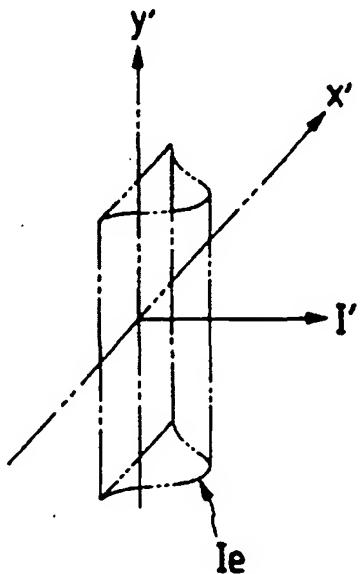
The Official Action rejects claims 1, 3, 5, 7, 9, 11, 13, 16, 19 and 22 as anticipated by U.S. Patent No. 5,080,474 to Miyamoto. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application. The independent claims recite a light guide (or light pipe) for homogenizing an energy distribution of a

laser light along a width direction of a line-shape on an irradiated surface, where the width direction is a direction of a short side of the line-shape on the irradiated surface. Also, claims 9 and 11 recite a unit (at least a cylindrical lens array) for homogenizing an energy distribution of a laser light along a length direction of a line-shape on an irradiated surface. For the reasons provided below, the Applicant respectfully submits that Miyamoto does not teach the above-referenced features of the present invention, either explicitly or inherently.

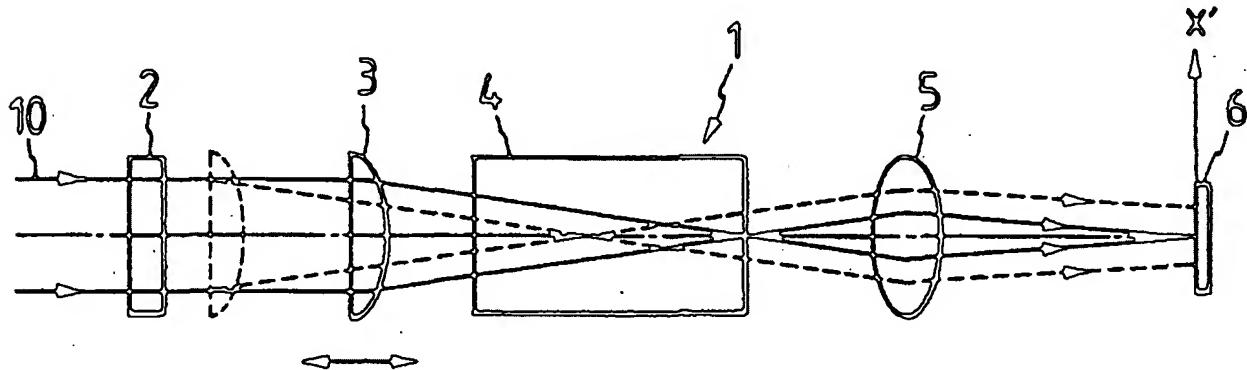
Miyamoto appears to disclose "a uniform energy distribution, intensity ( $I_e$ ), in the direction of the  $y'$ -axis ... and a Gaussian shaped energy distribution in a direction of the  $x'$ -axis" (column 6, lines 6-28; Figure 3, reproduced below).



However, Miyamoto does not appear to teach, either explicitly or inherently, a uniform energy distribution in the width direction ( $x'$ -axis).

The Official Action asserts that "[t]he width light guides and lens are movable to change the width direction" and that "[o]ne of ordinary skill in the art would inherently create a uniform width of laser power by the placement of the movable width lens and guides" (page 2). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

It appears that Miyamoto does not disclose changing a width direction for x'-axis to y'-axis by the movable lens, and it appears that Miyamoto merely discloses changing a length of the width (x'-axis) by the movable lens as shown in Figure 1(b) of Miyamoto (reproduced below).



Therefore, the Applicant respectfully submits that Miyamoto does not teach a light guide (or light pipe) for homogenizing an energy distribution of a laser light along a width direction of a line-shape on an irradiated surface, where the width direction is a direction of a short side of the line-shape on the irradiated surface, either explicitly or inherently.

Also, although the Examiner has not necessarily invoked § 103 for this portion of the rejection, the Applicant respectfully submits that it is not clear why one of ordinary skill in the art at the time of the present invention would have had a reason to modify Miyamoto to create a uniform width (a short side) or to achieve the features of the present claims.

Further, regarding claims 9 and 11, the Official Action appears to be silent as to the features of a unit (at least a cylindrical lens array) for homogenizing an energy distribution of a laser light along a length direction of a line-shape on an irradiated surface. The Applicant respectfully submits that Miyamoto does not teach these features, either explicitly or inherently.

Since Miyamoto does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 25-37, 39, 41, 42, 44, 45 and 47-54 as obvious based on the combination of Miyamoto and U.S. Patent No. 6,393,042 to Tanaka. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Miyamoto. Tanaka does not cure the deficiencies in Miyamoto. The Official Action relies on Tanaka to allegedly teach "a method and apparatus for laser scanning amorphous semiconducting material" and that a "laser scanner comprises a laser source such [as] a YAG or Ar laser" (page 3). However, Miyamoto and Tanaka, either alone or in combination, do not teach or suggest the following features or that Miyamoto should be modified to include any of the following features: a light guide (or light pipe)

for homogenizing an energy distribution of a laser light along a width direction of a line-shape on an irradiated surface, where the width direction is a direction of a short side of the line-shape on the irradiated surface; or a unit (at least a cylindrical lens array) for homogenizing an energy distribution of a laser light along a length direction of a line-shape on an irradiated surface. Since Miyamoto and Tanaka do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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